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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,064	10/11/2005	Ingo Kalliske	076326-0303	3373
23428 7590 02/12/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
AMORES, KAREN J				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
02/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,064

Applicant(s)

KALLISKE ET AL.

Examiner

KAREN JANE J. AMORES

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 1/14/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgments

1. Acknowledgment is made of Applicants' amendment to the claims filed on 16 November 2007. Amendments to the specifications and drawings are accepted and entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for removal of the connecting part due to forces acting in a direction of a pivot axis of the hinge, does not reasonably provide enablement for the connection designed as an explosive bolt or shear bolt of claim 3. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification describes these two entities as two separate embodiments and does not provide a reason to combine them. The removal of the bolt by explosion or shear would not enhance the removal of the bolt when already utilizing the tensile or compression force axially of claim 2.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 – 17 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 2 recites the limitation "the pivotal connection" in line 4 and the limitation "the connection" in line 6. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 2 recites the limitation "the hinge arm" in line 4. There is insufficient antecedent basis for this limitation in the claim. The office suggests using "the at least one hinge arm" or "one of the hinge arms". Claims 4 and 14 follows the same rejection.
8. Claim 2 recites the limitation "the hinge carrier" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim. Claims 4, 12 and 13 follow the same rejection.
9. Claim 3 recites the limitation "the connecting part" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claims. The Office suggests using "the at least one connecting part" or "one of the connecting parts". Claims 4 – 6, 9, 11 – 13, and 15 follow the same rejection.
10. Claims 7 and 8 recite the limitation "the actuating device" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claims. The Office suggests using "the at least one actuating device" or "one of the actuating devices".
11. Claim 10 recites the limitation "the transmission element" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. The Office suggests using "the at least one transmission element" or "one of the transmission elements". Claim 11 follows the same rejection.

12. Claim 16 recites the limitation "the relative movement" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 17 recites the limitation "the limiting device" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. The Office suggests using "the at least one limiting device" or "one of the limiting devices".

14. Claim 21 recites the limitation "said lance" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

15. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

16. Claims 2, 4 – 16, and 18 – 21, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Knight-Newbury et al. WO 03/086826 ("Knight-Newbury"). Knight-Newbury discloses a hinge for connecting a hood to a vehicle body, having a hinge carrier arranged on the vehicle body,

17. a hinge arm (21, 50, and 109) arranged on the hood; and

18. a connecting part (27, 28, 42, 56, 64, 68, 76, 78, 99, 102, 105, and 107) for a pivotal connection of the hinge arm to the hinge carrier,

19. wherein the hinge is configured so that the connection of the hinge arm to the hinge carrier is released in the event of an accident by removal and/or destruction of the connecting part due to forces acting in a direction ("A") of a pivot axis of the hinge.

20. In reference to claims 4 – 16, Knight-Newbury further discloses the connecting part is guided in at least one socket (28, 38, 39, 41, 47, 57, 60, 78, and 110) on the hinge arm and in at least one socket on the hinge carrier and, in the event of an accident, is removed from at least one socket (28, 39, 48, 57, 68, 78, and 110); wherein the connecting part is designed as a bolt (28, 68, 77, and 121) which is pulled out of at least one of the sockets; wherein at least one actuating device (“canister”, “lever”, 1, 30, 69, 73, 74, 80, and 114) is provided for actuating the connecting part in the event of an accident; wherein the actuating device comprises a pyrotechnic element (page 10, line 12); wherein the actuating device is an inflatable airbag (10 and 89) and/or a gas-conducting element; wherein the airbag and/or the gas-conducting element acts on the connecting part via at least one transmission element (17 – 19, 29, 30, 58, 79, 94, 95, and 120); wherein the transmission element is designed as a lever (page 5, line 7); wherein on filling with gas, the airbag and/or the gas-conducting element, owing to its expansion, exerts a push or a pull on the connecting part and/or the transmission element (page 21, line 12); wherein the hinge carrier has at least one socket (39 and 78) which corresponds with the connecting part and is configured to release the connecting part in the event of an accident; wherein the hinge carrier has at least one moveable hinge carrier part (40, 62, 103, and 113) which, in the event of an accident, is moved in relation to at least one fixed hinge carrier part (43, 65, and 97) in such a manner that the connecting part accommodated therein comes free; wherein the hinge arm has a deformation region (73 and 130) for a specific deformation of the hinge arm in the event of an accident; wherein the connecting part is disengaged from the hinge carrier by deformation of the hinge arm; and wherein at least one limiting device (34, 35, 37, 40, 61, 62, 103, 106, and 109) is arranged for limiting the relative movement between the hinge carrier and hinge arm.

21. In reference to claim 18, Knight-Newbury discloses an airbag (10 and 89) for opening a hood connected by a hinge to a vehicle body, wherein the airbag is configured to release the hood from the vehicle body using forces generated by the airbag that act in a direction ("A") of a pivot axis of the hinge when the airbag is deployed in a region of the hinge.

22. In reference to claims 19 – 21, Knight-Newbury further discloses airbag regions are arranged directly on the hinge (fig. 5, 6, and 9); wherein the airbag, when deployed, is first of all deployed in the regions arranged on the hinge; and wherein a gas-conducting system is arranged in the interior of the airbag, a lance (86) conducting the gas used for the deployment into the airbag regions arranged on the hinge.

Claim Rejections - 35 USC § 103

23. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

24. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight-Newbury in view of Matsuura et al. U.S. 6,182,782 ("Matsuura"). Knight-Newbury discloses the limiting devices as a rebound strap or a lever (34, 35, 37, 40, 59, 61, and 62). Knight-Newbury does not disclose the lever guided in a coulisse, rather the lever has a coulisse that guides the pivot to limit the hinge. Matsuura teaches a lever (28) guided in a coulisse. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Knight-Newbury such that it comprised the lever guided in a coulisse in view of the teachings of Matsuura so as to interchange the position of the lever and the coulisse to guide the link to a desirable position (column 6, line 52).

Response to Arguments

25. Applicant's arguments, see page 8, paragraph 4, filed 16 November 2007, with respect to the rejection(s) of claim(s) 2 – 4 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Knight-Newbury. Citations with multiple reference numbers come from several embodiments of the reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE J. AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571)-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen J. Amores
Examiner
Art Unit 3616

/K. J. A./
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/Ruth Ilan/

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